

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                                    No.: 3:18-CR-30-TAV-DCP-1  
                                  )  
                                  )  
RUBY ANN BRAUNM,            )  
                                  )  
Defendant.                    )

**ORDER**

This criminal case is before the Court on the Report and Recommendation entered by United States Magistrate Judge Debra C. Poplin, on August 20, 2018 (the “R&R”) [Doc. 75]. On June 18, 2018, defendant moved to strike or modify allegations of the indictment alleging criminal conduct outside the applicable statute of limitations [Doc. 47]. In the R&R, Magistrate Judge Poplin finds that the introductory allegations in the indictment that pre-date 2013 are not time-barred, because these allegations constitute part of the scheme in which the defendant is alleged to have engaged. Magistrate Judge Poplin therefore concludes that these introductory allegations are not surplussage and the defendant is not entitled to the requested relief. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51.

After a careful review of the R&R and the record in this case, the Court is in agreement with Magistrate Judge Poplin’s analysis and recommendations, which the Court

adopts and incorporates into its ruling. Therefore, the Court will **ACCEPT IN WHOLE** the R&R [Doc. 75]. The petition [Doc. 47] is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE